

ECF CASE  
JUDGE SCHEINDLIN

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

**J & J SPORTS PRODUCTIONS, INC., as  
Broadcast Licensee of the May 5, 2007  
DeLaHoya/Mayweather Program,**

Plaintiff,  
against-

## ATTORNEY'S AFFIDAVIT OF COSTS AND FEES

Civil Action No. 07-CV-08419  
HON. SHIRA A. SCHEINDLIN

NELLY OLMEDO BUCHELI, Individually,  
and as officer, director, shareholder and/or  
principal of OLMEDO OLMEDO INC. d/b/a  
MOJITAS BAR & GRILL a/k/a MOJITAS  
LOUNGE RESTAURANT a/k/a MOJITAS.

and

OLMEDO OLMEDO INC. d/b/a MOJITAS  
BAR & GRILL a/k/a MOJITAS LOUNGE  
RESTAURANT a/k/a MOJITAS,  
Defendants.

STATE OF NEW YORK :  
: SS.:  
COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, J & J Sports Productions, Inc., in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. I make this affidavit in support of Plaintiff's motion for default judgment and damages, costs and fees.

3. Plaintiff's litigation expenses as associated with the formation, pleading and filing of the above captioned matter are as outlined below:

a. Filing Fees - \$350.00

b. Service of Process - \$200.00  
Attached hereto as Exhibit "A," please find invoice from Signal Auditing, Inc., reflecting the cost of service upon the Defendants.

c. Attorneys Fees - \$ 1,099  
See below

Total Litigation Expenses .....(\$1,649.00)

4. Attorney fees at \$200.00 per hour for attorney time spent and \$75.00 for paralegal time spent are as follows:

<u>Date</u>	<u>Action</u>		<u>(in hours)</u>	<u>Fee</u>
06//2007	Factual research and development	.50	\$100.00	Atty
06/20/2007	Claim Letter issued	.25	\$18.75	Para
08/31/2007	Issued Final Notice Letter	.25	\$18.75	Para
09/17/2007	TC with defendant	.12	\$25.00	Atty
09/26/2008	Complaint drafted, Corporate disclosure	.50	\$100.00	Atty
09/26/2007	Complaint sent to Court for Filing	.25	\$18.75	Para
10/11/2007	Arranged Service	.25	\$18.75	Para
10/25/2007	Review Order ECF #3	.13	\$25.00	Atty
10/29/2007	Letter to defendants with Conf. Order and Certificate of Service	.25	\$18.75	Para
11/13/2007	Filed Proof of Service	.25	\$18.75	Para
11/16/2007	Motion to Cont.	.25	\$50.00	Atty
11/26/2007	Review Orders	.12	\$25.00	Atty
12/21/2007	Prepared RFD	.50	\$100.00	Atty
12/21/2007	Motion To Continue	.25	\$50.00	Atty
12/21/2007	Filed and Mailed Motion	.25	\$18.75	Para
12/27/2007	Discussed settlement with Attorney	.13	\$25.00	Atty
12/31/2007	Letter to defendant re Conf. Adjourned	.25	\$18.75	Para

01/04/2008	TC to attorney for defendant	.12	\$25.00	Atty
01/04/2008	Letter to attorney for defendant	.25	\$18.75	Para
01/07/2008	Received TC and fax from defendant	.13	\$25.00	Atty
01/18/2008	TC from attorney	.12	\$25.00	Atty
01/25/2008	Settlement discussion with defendant	.13	\$25.00	Atty
02/08/2008	Issued demand letter in aggregate	.25	\$18.75	Para
02/28/2008	Filed/Mailed Proof of Service	.25	\$18.75	Para
03/11/2008	Prepared RFD of Ind.	.50	\$100.00	Atty
03/11/2008	Filed and Mailed RFD	.25	\$18.75	Para
03/17/2008	Review Clerk's Certificate	.12	\$25.00	Atty
03/24/2008	Drafted Motion for Default	1.0	\$200.00	Atty
		<b>Hours</b>	<b>Fee</b>	
		<b>4.37 Atty</b>	<b>\$ 874.00</b>	
		<b>3.00 Para</b>	<b>\$ 225.00</b>	
<b>Total</b>			<b>\$1,099.00</b>	

5. As part of its factual research, Plaintiff's Counsel conducted a search of the New York State Department of State Division of Corporations. The results show that Nelly Olmedo Bucheli is the Principal of Olmedo Olmedo Inc. The Public Query Results page is attached hereto as Exhibit "B".

6. We respectfully request that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

**WHEREFORE**, your deponent respectfully requests that this Court in its discretion grant judgment by default under 605(a) on COUNT I of the Plaintiff's complaint against the Defendants jointly and severally as follows:

**Against, NELLY OLMEDO BUCHELI, Individually, and as officer, director, shareholder**

and/or principal of **OLMEDO OLMEDO INC. d/b/a MOJITAS BAR & GRILL a/k/a MOJITAS LOUNGE RESTAURANT a/k/a MOJITAS**, and **OLMEDO OLMEDO INC. d/b/a MOJITAS BAR & GRILL a/k/a MOJITAS LOUNGE RESTAURANT a/k/a MOJITAS**,

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of EIGHT HUNDRED TWENTY FOUR DOLLARS AND FIFTY CENTS (\$824.50)

**Against, OLMEDO OLMEDO INC. d/b/a MOJITAS BAR & GRILL a/k/a MOJITAS LOUNGE RESTAURANT a/k/a MOJITAS**,

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of EIGHT HUNDRED TWENTY FOUR DOLLARS AND FIFTY CENTS (\$824.50)

Dated: April 2, 2008  
Ellenville, NY 12428

/s/ Julie Cohen Lonstein  
Julie Cohen Lonstein, Esq.  
Bar Roll No. JL8512  
Lonstein Law Office, P.C.  
Attorneys for Plaintiff  
1 Terrace Hill; PO Box 351  
Ellenville, NY 12428  
Telephone: 845-647-8500  
Facsimile: 845-647-6277

Sworn to before me this 24<sup>TH</sup>  
day of March 2008

/s/ April Draganchuk  
**April Draganchuk**  
**Notary Public State of New York**  
**Registration No. 4945872**  
**Residing in Ulster County**  
**My Commission Expires Jan. 27, 2011**

Exhibit A

Mountain Support Services

1 Terrace Hill  
P.O. Box 615  
Ellenville, NY 12428

**Invoice**

Date	Invoice #
10/29/2007	1145

Bill To
Lonstein Law Office, PC Wayne D Lonstein 1 Terrace Hill P.O. Box 351 Ellenville, NY 12428

Description	Amount
CORPORATE SERVICE ON SECRETARY OF STATE J&J v. OLMEDO OLMEDO, INC YOUR FILE #07-4-S03 CV#07-8419	100.00
<b>Total</b>	
\$100.00	

Description	Amount
INDIVIDUAL SERVICE J&J v. NELLY OLMEDO BUCHELI YOUR FILE #07-4-S03 CV #07-8419	100.00
<b>Total</b>	
	\$100.00

Exhibit B



# NYS Department of State

## Division of Corporations

### Entity Information

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**Selected Entity Name:** OLMEDO OLMEDO INC.

#### Selected Entity Status Information

**Current Entity Name:** OLMEDO OLMEDO INC.

**Initial DOS Filing Date:** NOVEMBER 15, 2002

**County:** NEW YORK

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

#### Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

OLMEDO OLMEDO INC.  
NELLY M. OLMEDO  
219 E. 116TH STREET  
NEW YORK, NEW YORK, 10029

#### Registered Agent

NONE

**NOTE:** New York State does not issue organizational identification numbers.

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[Department of State Home Page](#)